



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,675	12/18/2001	Andrew Mark Player	applied_107	3211
29397	7590	11/15/2005	EXAMINER	
LAW OFFICE OF GERALD MALISZEWSKI			CHANG, RICHARD	
P.O. BOX 270829			ART UNIT	
SAN DIEGO, CA 92198-2829			PAPER NUMBER	
			2663	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,675

Applicant(s)

PLAYER ET AL.

Examiner

Richard Chang

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-24 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 11 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Regarding to abstract: The abstract of the disclosure is objected to because the length of the abstract is too long and over 150 words or 25 lines. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12-24 and 26-28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 6,081,523 ("Merchant et al.").

Art Unit: 2663

Regarding claims 1, 14-15 and 28, Merchant et al. teaches a G.709 network of connected integrated circuits (Gigabit Ethernet transmission), a method for paralleling data streams (across multiple physical links), the method comprising of

receiving a first digital wrapper data stream (16, GMII, gigabit rate) having a first data rate (multiple gigabit rate),

demultiplexing the first data stream into a second plurality of digital wrapper data streams (21, nMII's) having a second data rate (multiple sub-gigabit rate), less than the first data rate (multiple gigabit rate), and

processing the second plurality of data streams at the second data rate (28) with frame synchronization and overhead commands (See Fig. 1, Col. 3, line 49 to Col. 4, line 40).

Regarding claims 2 and 16, these claims have limitation that is similar to those of claims 1 and 15, thus it is rejected with the same rationale applied against claims 1 and 15 above.

Regarding claims 3 and 17, these claims have limitation that is similar to those of claims 1 and 16, thus it is rejected with the same rationale applied against claims 1 and 16 above.

Regarding claims 4 and 18, these claims have limitation that is similar to those of claims 3 and 17, thus it is rejected with the same rationale applied against claims 3 and 17 above.

Regarding claims 5 and 19, these claims have limitation that is similar to those of claims 4 and 18, thus it is rejected with the same rationale applied against claims 4 and 18 above.

Regarding claims 6 and 20, these claims have limitation that is similar to those of claims 5 and 19, thus it is rejected with the same rationale applied against claims 5 and 19 above.

Regarding claims 7 and 21, these claims have limitation that is similar to those of claims 2 and 16, thus it is rejected with the same rationale applied against claims 2 and 16 above.

Regarding claims 8 and 22, these claims have limitation that is similar to those of claims 7 and 21, thus it is rejected with the same rationale applied against claims 7 and 21 above.

Regarding claims 9 and 23, these claims have limitation that is similar to those of claims 8 and 22, thus it is rejected with the same rationale applied against claims 8 and 22 above.

Regarding claims 10 and 24, these claims have limitation that is similar to those of claims 9 and 23, thus it is rejected with the same rationale applied against claims 9 and 23 above.

Regarding claim 12, this claim have limitation that is similar to those of claim 2, thus it is rejected with the same rationale applied against claim 2 above.

Regarding claim 13, this claim have limitation that is similar to those of claim 12, thus it is rejected with the same rationale applied against claim 12 above.

Regarding claims 26-27, these claims have limitation that is similar to those of claims 16, thus it is rejected with the same rationale applied against claims 16 above.

***Allowable Subject Matter***

3. Claims 11 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

***Reason for indicating Allowable Subject Matter***

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art along or in combination fails to teach or make obvious the following limitations:

“following the supplying of the second plurality of processed data streams, comparing each of the second plurality of processed data stream frame start signals, phase matching the second plurality of frame start signals, deskewing the second plurality of processed data streams to match their corresponding frame start signals, and wherein multiplexing the second plurality of processed data streams into the first processed data stream includes multiplexing the deskewed second plurality of processed data streams.” as recited in the dependent claims 11 and 25.

**Conclusion**

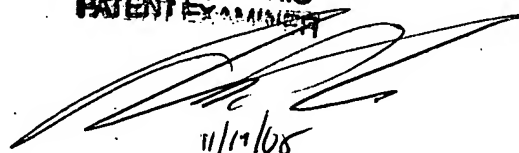
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RLC*  
rkc

Richard Chang  
Patent Examiner  
Art Unit 2663

**DERRICK FERRIS**  
**PATENT EXAMINER**  
  
11/11/08